

REMARKS

Claims 1-35 are currently pending. Claims 20, 21, 25-30, 34, and 35 were previously withdrawn from consideration. No claims are currently added or canceled. Reconsideration of the pending claims in light of the above amendments and the following remarks is respectfully requested.

§ 102 Rejections

Claims 1-15, 17, 18, 20, 23, 24, 31, and 32 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,653,714 to Dietz et al. ("Dietz"). The PTO provides in MPEP § 2131 that *"[t]o anticipate a claim, the reference must teach every element of the claim...."*

Therefore, to sustain the rejection of these claims Dietz must teach all of the claimed elements of each claim.

With respect to amended claim 1, however, Dietz at least fails to disclose "a pair of guide members movably engaged between said guide body and said bone removal device, said guide members substantially aligned along an alignment axis substantially parallel to the longitudinal axis of the bone removal device." Rather, the rods 32 of Dietz are substantially perpendicular to the longitudinal axis of the milling bore 6. Thus, for at least this reason Dietz fails to teach all of the claimed elements of claim 1.

With respect to amended claim 31, Dietz at least fails to disclose "a pair of eccentric guide members movably engaged between said guide body and said bone removal device." Dietz simply fails to disclose eccentric guide members. As described and shown in Fig. 1 of Dietz, the inner frame 28 rotates about a central axis of rotation defined by screws 30. Col. 2, Lines 49-50. The inner frame 28, including the rods 32, is simply not eccentric. Thus, for at least this reason Dietz fails to teach all of the claimed elements of claim 31.

Therefore, Applicants respectfully request that the Examiner withdraw the §102(b) rejections of these claims 1-15, 17, 18, 20, 23, 24, 31, and 32.

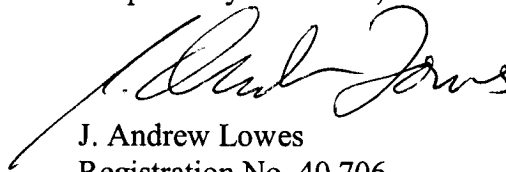
§ 103 Rejections

Claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dietz in view of U.S. Patent No. 6,537,279 to Michelson. **Claims 19 and 33** were rejected under 35 U.S.C. §103(a) as being unpatentable over Dietz in view of U.S. Patent No. 3,978,862 to Morrison. However, as shown above Dietz fails to teach all of the elements of independent claims 1 and 31 from which claims 16, 19, and 33 depend from and further limit. Thus, Applicants respectfully request that the Examiner withdraw the §103 rejections of claims 16, 19, and 33.

CONCLUSION

As a result of the foregoing, it is respectfully asserted that all pending claims are in condition for allowance. Should the Examiner deem that any further amendment is necessary to place this application in condition for allowance, the Examiner is invited to contact the undersigned at the below listed telephone number.

Respectfully submitted,

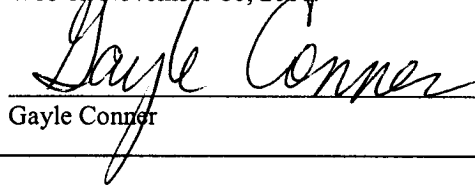


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